

Applicant : J. Stuart Cumming
Appl. No. : 09/740679
Examiner : Eduardo C. Robert
Docket No. : 13533.4033

Remarks

Favorable reconsideration of this application is requested.

In view of the comments in the final rejection of May 9, 2008 and the advisory action of June 3, 2008, the words “virtually” has been added with regard to the recitation of tangential as the Examiner acknowledges is disclosed in the specification. Additionally, in Figures 2 and 18 it is clear that the hinges 38 are tangential, or at least virtually tangential to the optic. Thus, it is believed that there is adequate support for reciting that the groove across each plate haptic is virtually tangential to the optic. Page 33 of the specification has been amended to add “virtually” before “tangential”, and a similar amendments have been made to each of the independent claims. Additionally, the independent claims have been amended to state that the outer ends of the haptics are near the capsular bag to better distinguish over the portions 34 and 36 of the Reuss lens.

It is respectfully submitted that it is inappropriate for the Examiner to call the secondary portions 34 and 36 of the Reuss lens haptics inasmuch as they are secondary portions of the optic, and it is clear that items 42 and 44 are the haptics of the Reuss lens as shown and described. Reuss does not have plate haptics, and certainly has no outer ends of plate haptics near the capsular bag. Furthermore, there certainly is no disclosure in the Reuss patent of an accommodating intraocular lens wherein the lens body is constructed and operable to move the optic posteriorly and anteriorly toward the iris relative to the outer ends of the haptics in response to forces imported by ciliary muscle relaxation and constriction. The haptics 42 and 44 of Reuss serve to hold the lens in place within the eye. Additionally, clearly the secondary portions 34 and 36 of Reuss cannot be disposed near the capsular bag because the actual haptics 42 and 44 will place secondary portions 34 and 36 substantially away from the capsular bag.

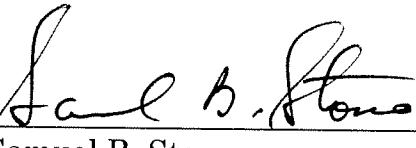
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In view of the foregoing and the amendment to the independent claims, favorable reconsideration and a Notice of Allowance are solicited.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: June 18, 2008

By: 
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